


The Court held a hearing today on Peter Lee’s motion to withdraw as counsel for defendants. Dkt. No. 205. The application of Mr. Lee is granted under Local Rule 1.4, which provides that an attorney may be “relieved or displaced only by order of the Court and may not withdraw from a case without leave of the Court granted by order,” and that such an order “may be granted only upon a showing . . . of satisfactory reasons for withdrawal.” S.D.N.Y. Local Rule 1.4. Mr. Lee has represented that he and Defendants have “differing interests,” Dkt. No. 205-1, and at the hearing further confirmed that the he and his clients have “differing interests,” thus warranting his withdrawal under the professional conduct rules of the state of New York, *see* N.Y.S. Prof’l Conduct Rule 1.16; 1.7. Joseph Barbieri, Esq. and Leo V. Leyva, Esq. of the law firm Cole Schotz P.C. are substituted as counsel for defendants Kap Won Kim and Myong Su Kim. Because “corporations can only appear in court through an attorney, and may not proceed *pro se*,” *Hounddog Prods., L.L.C. v. Empire Film Grp., Inc.*, 767 F.Supp.2d 480, 486 (S.D.N.Y. 2011), Defendant Mommy’s Jamaican Market Corp. is advised to retain counsel or risk entry of default judgment, *see Grace v. Bank Leumi*, 443 F.3d 180, 192 (2d Cir. 2006)

("[W]here a corporation repeatedly fails to appear by counsel, a default judgment may be entered against it.").

At the request of Kap Won Kim and Myong Su Kim, defendants' motion for sanctions, Dkt. No. 197, is deemed withdrawn, as are all papers filed by Mr. Lee in opposition to Plaintiff's motion for attorneys' fees, liquidated damages, prejudgment interest, post-judgment interest, and the statutory increase under New York Labor Law § 198(4), Dkt. No. 194. The time for Defendants to respond to the motion at Dkt. No. 194 is extended to March 8, 2024. In addition, Defendants shall file any motion for costs on behalf of Dae Kyu Kim by no later than March 8, 2024. Plaintiff shall file a reply brief in further support of its motion by March 15, 2024.

SO ORDERED.

Dated: February 27, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge